

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LUIS MENDONCA
Plaintiff

Vs.

CITY OF PROVIDENCE THROUGH
ITS FINANCE DIRECTOR, MICHAEL
PEARIS;
PROVIDENCE POLICE DEPARTMENT;
CHIEF DEAN ESSERMAN;

ROBERT DECARLO;
FRANK NEWTON;
EVERETT CARVALHO;
MARGARET SCHLAGETER;
MATTHEW MULLIGAN;
ROBERT MALAVAGNO;
PAUL A. RENZI;
CLIFFORD JONES;
JAMES GRENNAN;
JANE DOE OFFICER;
JOHN DOE OFFICER;

RHODE ISLAND SCHOOL OF DESIGN,
THROUGH ITS PRESIDENT, JOHN
MAEDA;

JUSTIN WALL; _____
WILLIAM LAPIERRE;
JANE DOE OFFICER
Defendants

CA 12-

C.A. NO.

FILED
2012 NOV 21 AM 11:58
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

PETITION FOR REMOVAL FROM STATE COURT

To the Honorable Judges of the United States District Court for the District of
Rhode Island:

Now comes the defendant the City of Providence and petition, pursuant to 28
U.S.C. §§ 1441 and 1446, for removal of Providence Superior Court Civil Action No.12-
5274 entitled *Luis Mendonca v. City of Providence, et al*, to this Honorable Court.

Your petitioners state that they first received plaintiff's complaint when they were served with process on or about November 15, 2012. Plaintiff's complaint contains allegations that your defendants, the Providence Police Department and Providence Police Officers, deprived the plaintiff of his constitutional rights, and the plaintiff seeks redress therefor, pursuant to U.S.C. § 1983. Accordingly, this court would have original jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343.

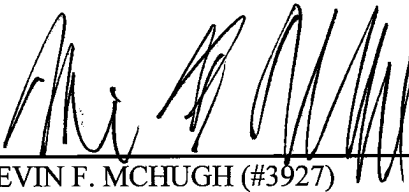
Your petitioners further state that the required filing fee has been filed contemporaneously with this petition, together with a copy of all processed pleadings served upon them in this action.

Your petitioners further state that copies of this petition are being filed with all parties who have been served with process in this action, as well as with the clerk of the Providence Superior Court, pursuant to Local Rule 81.

DEFENDANTS,

By their Attorney,

JEFFERY PADWA
CITY SOLICITOR

A handwritten signature in black ink, appearing to read 'Kevin F. Mchugh', is written over a horizontal line.

KEVIN F. MCHUGH (#3927)
Sr. Assistant City Solicitor
Providence Law Department
444 Westminster Street, Suite 220
Providence, RI 02903
(401) 680-5333
(401) 680-5520 (Fax)

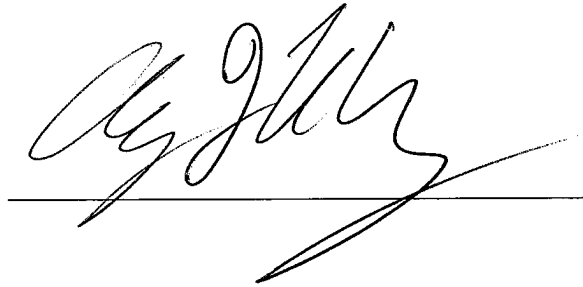
CERTIFICATION

I hereby certify that I forwarded a copy of the within document on this 21st day of November 2012 to:

Albert Aponte Cardona, Esq..
597 Broad Street
Central Falls, RI 02863
Tel. 401-475-5436
Fax 401-475-5439

Robert J. Caron, Esq.
478A Broadway
Providence, RI 02909
Tel. 401-621-8600
Fax 401-274-2480

Michael J. Colucci, Esq.
Olenn & Penza, LLP
530 Greenwich Avenue
Warwick, Rhode Island 02886

A handwritten signature in black ink, appearing to read "Michael J. Colucci", is written over a horizontal line.

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

☒ Providence/Bristol County
Garrahy Judicial Complex
One Dorrance Plaza
Providence, Rhode Island 02903

☐ Kent County
Noel Judicial Complex
222 Quaker Lane
Warwick, Rhode Island 02886

☐ Newport County
Murray Judicial Complex
45 Washington Square
Newport, Rhode Island 02840

☐ Washington County
McGrath Judicial Complex
4800 Tower Hill Road
Wakefield, Rhode Island 02879

NOV 15 2012
LAW DEPARTMENT

LUIS MENDONCA

Plaintiff

v.

CITY OF PROV. (MICHAEL PEARIS- FINANCE DIRECTOR)

Defendant

Civil Action, File Number

PC-2012-5274

SUMMONS

To the above-names Defendant:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon ROBERT J. CARON, the Plaintiff's attorney, whose address is 478A BROADWAY, PROVIDENCE, RHODE ISLAND 02826 an answer to the complaint which is herewith served upon you within twenty (20) days after service of this summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

[Signature]

Clerk

Dated: _____

(Seal of the Superior Court)

A TRUE COPY ATTEST

HAROLD OUIMETTE

Constable #6129

Date

11/15/12